

COPY

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:

NONATTAINMENT NEW SOURCE REVIEW;
PREVENTION OF SIGNIFICANT DETERIORATION
LAC 33:III.504 and 509

LOG #: AQ246F

PUBLIC HEARING

The Public Hearing held by the Department of Environmental Quality, Regulation Development Section, at the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, Louisiana, beginning at 1:30 p.m., on July 26, 2005.

BEFORE: Lori B. Overland
Certified Court Reporter
In and For the State of
Louisiana

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AUG 03 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

ASSOCIATED REPORTERS, INC.
(225) 216-2036

A P P E A R A N C E S

FOR THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL
QUALITY:

Sandy Stephens
Hearing Officer

Department of Environmental Quality
Office of Environmental Assessment,
Environmental Planning
Regulation Development, 6th Floor
P.O. Box 4314
Baton Rouge, Louisiana 70821-4314

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I N D E X

EXAMINATION:

PAGE(S) :

None

EXHIBITS:

None

REPORTER'S PAGE

8

REPORTER'S CERTIFICATE

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MS. STEPHENS:

Good Afternoon! My name is Sandy Stephens. I'm employed with the Louisiana Department of Environmental Quality. I'll be serving as hearing officer this afternoon to receive comments regarding proposed amendments to the regulations on air quality, inactive and abandoned sites, and water quality.

The comment period for these amendments began on June 20, 2005, when the notices of intent were published in the Louisiana Register. The comment period will close at 4:30 p.m., August 2, 2005. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum for all interested parties to present comments on the proposed changes. I'll ask that each person commenting come up and sit at the front table and begin by stating his or her name and affiliation for the record.

The first amendment is designated by the Log Number AQ246F.

1 On December 31, 2002, the United
2 States Environmental Protection Agency
3 published a final New Source Review (NSR)
4 rule revising the regulations that implement
5 the Prevention of Significant Deterioration
6 (PSD) and Nonattainment New Source Review
7 provisions of the Clean Air Act. To be
8 approvable under the State Implementation
9 Plan, states implementing the Part C PSD
10 permit program in section 51.166 of the
11 Clean Air Act, or the Part D nonattainment
12 NSR permit program in section 51.166 of the
13 Act, must include EPA's December 31, 2002,
14 changes as minimum program elements. States
15 must adopt and submit revisions to their
16 part 51 permitting programs implementing
17 these minimum program elements no later than
18 January 2, 2006 (67 FR 80240). This rule is
19 also being proposed as a revision to the
20 Louisiana State Implementation Plan for air
21 quality.

22 EPA's New Source Review revisions
23 include five major elements:

24 1. Baseline Emissions-changes the
25 method for determining the source's

1 emissions before a change is made (the
2 baseline against which emissions increases
3 are measured);

4 2. Applicability Test-changes the
5 method for estimating the emissions after
6 the change;

7 3. Clean Unit Exclusion-disregards
8 increases from emissions units that have
9 installed controls within the last 10 years;

10 4. Pollution Control Project
11 Exclusion-exempts certain projects that will
12 cause a significant increase in emissions of
13 one pollutant, but reduce emissions of
14 another pollutant; and

15 5. Plantwide Applicability Limits-
16 allows facilities to establish a cap on
17 emissions and trade increases and decreases
18 under the cap, without installing controls
19 on new or modified emissions units.

20 Does anyone care to comment on this
21 regulation?

22 If not, the hearing on AQ246F is
23 closed.

24 I'd like to thank you for your
25 attention and participation.

1 This hearing is closed.

2 **THE HEARING WAS CONCLUDED AT 1:35 P.M.**

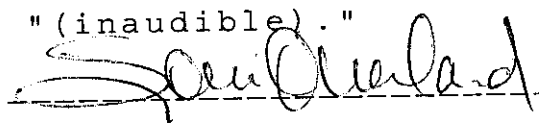
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R E P O R T E R ' S P A G E

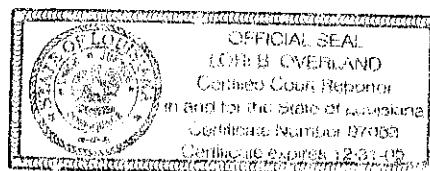
I, Lori B. Overland, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the Record

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporters's transcription of proceeding, and that the dashes (--) do not indicated that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."


Lori Overland, C.C.R.

97083

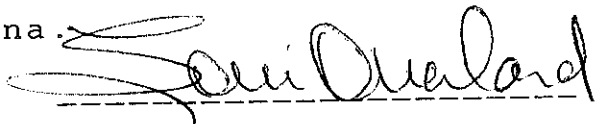


C E R T I F I C A T I O N

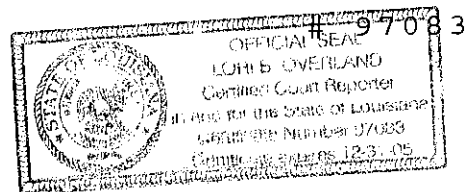
I, the undersigned reporter, do hereby certify that the above and foregoing is a true and correct transcription of the stenomask tape of the proceedings had herein, taken down by me and transcribed under my supervision, to the best of my ability and understanding, at the time and place hereinbefore noted, in the above entitled cause.

I further certify that the witness was duly sworn by me in my capacity as a Certified Court Reporter pursuant to the provisions of R.S. 37:2551 et seq. in and for the state of Louisiana; that I am not of counsel nor related to any of the counsel of any of the parties, nor in the employ of any of the parties, and that I have no interest in the outcome of this action.

I further certify that my license is in good standing as a court reporter in and for the state of Louisiana.



Lori Overland, C.C.R.



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STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:

NONATTAINMENT NEW SOURCE REVIEW;
PREVENTION OF SIGNIFICANT DETERIORATION
LOUISIANA REVISIONS LAC 33:III.504 and 509

LOG #: AQ246L

PUBLIC HEARING

The Public Hearing held by the Department of Environmental Quality, Regulation Development Section, at the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, Louisiana, beginning at 1:36 p.m., on July 26, 2005.

BEFORE: Lori B. Overland
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In and For the State of
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The comment period for these amendments began on June 20, 2005, when the notices of intent were published in the Louisiana Register. The comment period will close at 4:30 p.m., August 2, 2005. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum for all interested parties to present comments on the proposed changes. I'll ask that each person commenting come up and sit at the front table and begin by stating his or her name and affiliation for the record.

The next amendment is designated by the Log Number AQ246L.

1 On December 31, 2002, the United
2 States Environmental Protection Agency
3 published a final New Source Review rule
4 revising the regulations that implement the
5 Prevention of Significant Deterioration and
6 Nonattainment New Source Review provisions
7 of the Clean Air Act. To be approvable
8 under the State Implementation Plan, states
9 implementing the Part C PSD permit program
10 in section 51.166 of the Act, or the Part D
11 nonattainment NSR permit program in section
12 51.165 of the Act, must include EPA's
13 December 31, 2002, changes as minimum
14 program elements. States must adopt and
15 submit revisions to their part 51 permitting
16 programs implementing these minimum program
17 elements no later than January 2, 2006 (67
18 FR 80240). This rule is also being proposed
19 as a revision to the Louisiana State
20 Implementation Plan for air quality.

21 The department's proposed rule AQ246F
22 adopts the federal rule. This rule, AQ246L,
23 includes Louisiana revisions put forward by
24 the department. These revisions supersede
25 text in proposed rule AQ246F. According to

1 Section 49:953(F)(1) of the Administrative
2 Procedure Act, the department is required to
3 propose a rule that differs from a federal
4 rule separately from a proposed rule that is
5 identical to a federal rule.

6 Louisiana's rule adds consequences for
7 underestimation of projected actual
8 emissions. If an owner or operator
9 reevaluates projected actual emissions for a
10 project originally determined not to result
11 in a significant net emissions increase and
12 determines that the project has resulted or
13 will now result in a significant net
14 emissions increase, the owner or operator
15 must either request that the administrative
16 authority limit the potential to emit of the
17 affected emissions units as appropriate via
18 federally enforceable conditions such that a
19 significant net emissions increase will no
20 longer result, or submit a revised
21 prevention of Significant Deterioration
22 application within 180 days.

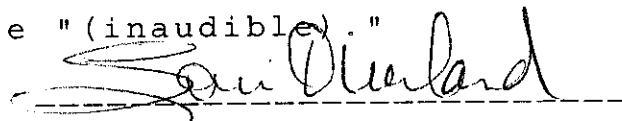
23 Louisiana's rule eliminates
24 "malfunctions" from the definitions of
25 "baseline actual emissions" and "projected

R E P O R T E R ' S P A G E

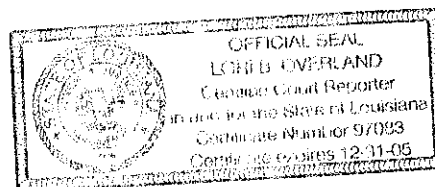
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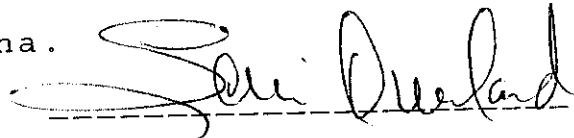
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C E R T I F I C A T I O N

I, the undersigned reporter, do hereby certify that the above and foregoing is a true and correct transcription of the stenomask tape of the proceedings had herein, taken down by me and transcribed under my supervision, to the best of my ability and understanding, at the time and place hereinbefore noted, in the above entitled cause.

I further certify that the witness was duly sworn by me in my capacity as a Certified Court Reporter pursuant to the provisions of R.S. 37:2551 et seq. in and for the state of Louisiana; that I am not of counsel nor related to any of the counsel of any of the parties, nor in the employ of any of the parties, and that I have no interest in the outcome of this action.

I further certify that my license is in good standing as a court reporter in and for the state of Louisiana.



Lori Overland, C.C.R.

